



POLICE DEPARTMENT

June 8, 2023

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2022-26547
Police Officer Glasjun Pereyra	:	
Tax Registry No. 965407	:	
45 Precinct	:	

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Kevin Andrade, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

1. Police Officer Glasjun Pereyra, while on duty and assigned to the 45 Precinct, on or about March 25, 2022, in Bronx County, wrongfully used his Department issued digital mobile device for personal reasons unrelated to Department business.

P.G. 219-32, Page 1, Paragraph 1

DEPARTMENT MOBILE
DIGITAL DEVICES

2. Police Officer Glasjun Pereyra, while on duty and assigned to the 45 Precinct, on or about March 25, 2022, in Bronx County, did wrongfully disclose confidential information to person known to the Department obtained from unauthorized search on Department issued digital mobile device without authority or permission to do so.

A.G. 304-15, Page 1, Paragraph 3

DEPARTMENT
CONFIDENTIALITY
POLICY

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 4, 2023.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, the Tribunal recommends that Respondent forfeit ten (10) vacation days.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent is a five-year member of the Department assigned to the 45 Precinct. He is a full-duty youth coordination officer (YCO) and has made approximately 50-55 arrests in his career. He testified that he received a "cop of the month" award in 2021. (Tr. 9-10).

Respondent testified that on March 25, 2022, his wife's brother contacted him about an auto-mechanic who performed unsatisfactory work on his vehicle. His wife's brother further

informed Respondent that he wanted to pursue a civil lawsuit against the auto mechanic. His wife's brother asked Respondent to obtain the auto mechanic's pedigree information for him to file the lawsuit. Respondent admitted that he used his Department-issued mobile device to enter the Department's DAS system to retrieve information unrelated to the official business of the Department in that he accessed the auto-mechanic's home address. Respondent further admitted he sent a screenshot of the query to his wife's brother. (Tr. 11-14; Department Ex. 1)

Respondent testified that at the time he sent the information to his wife's brother, he did so to assist him in filing a civil lawsuit. Moreover, the information that Respondent provided to him was limited to the auto mechanic's home address. Respondent testified that he now realizes that this was the wrong thing to do and that in the future he would "talk to a supervisor" before using his Department-issued device for anything unrelated to official Department business. (Tr. 17, 20)

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 10, 2018, has pleaded guilty to both charges against him in this matter. It is undisputed that a DAS audit revealed Respondent queried the auto mechanic's phone number on his Department-issued phone on March 25, 2022. Respondent was forthcoming about his actions during his official Department

interview and was apologetic about his misconduct. Respondent believed that he was providing the information for the purpose of a civil lawsuit to help a family member whom Respondent believed had been wronged. He acknowledged that he used poor judgment in retrieving and disseminating information using his Department cell phone for a purpose unrelated to official Department business. He was remorseful for his actions and testified that he would use better judgment in the future.

The Department Advocate has recommended that Respondent forfeit twenty (20) vacation days. Respondent's counsel advocated for the mitigated penalty of forfeiture of ten (10) vacation days. The presumptive penalty for Accessing Confidential Information Without Police Necessity is ten (10) days and the mitigated penalty is five (5) days. The presumptive penalty for Disseminating of Department Data is twenty (20) and the mitigated penalty is ten (10) days. Having examined the facts and circumstances surrounding Respondent's misconduct, and having given consideration to Respondent's candid and contrite testimony; Respondent's exceptional performance evaluations and lack of prior disciplinary record, I believe that a mitigated penalty is warranted. Fortunately, the information accessed and disseminated by Respondent was not used for an unlawful purpose. However, that does not excuse the fact that the information was personal identifying information of a civilian and that Respondent's actions caused public mistrust. Respondent was repentant for his actions and it appeared that he has learned his lesson. Moreover, Respondent only improperly used the database once and the level of misconduct is limited to this one occasion. The instant matter is distinguishable from cases where the number of improper database searches is significantly more extensive, the level of misconduct is greater and an upward departure of the presumptive penalty may be warranted. *See, e.g., Disciplinary Case No. 2019-20837* (Sept. 21, 2020) (Eight-year police officer with no disciplinary record

forfeited 15 vacation days for utilizing Department databases to conduct 100 inquiries on the male friend of his estranged wife as well as the three vehicles registered in his name). Based upon the foregoing, I recommend that Respondent forfeit ten (10) vacation days. This penalty will serve to appropriately penalize Respondent for his misconduct while recognizing the officer's otherwise exemplary performance of his duties.

Respectfully submitted,



Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPROVED

OCT 13 2023

EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER GLASJUN PEREYRA
TAX REGISTRY NO. 965407
DISCIPLINARY CASE NO. 2022-26547

Respondent was appointed to the Department on January 10, 2018. On his three most recent annual performance evaluations, he was rated “Exceptional” for 2020, 2021, and 2022. He has been awarded one medal for Excellent Police Duty.

Respondent has no formal disciplinary history.

For your consideration.

Vanessa Facio-Lince
Assistant Deputy Commissioner Trials